

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RUDOLPH GEORGE STANKO,

Defendant.

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8:05CR93

MEMORANDUM AND ORDER

Before the court, following receipt in the mail, is defendant's petition for writ of mandamus with supporting affidavit and exhibits. The court has carefully reviewed this document and attachments and concludes that the petition for writ of mandamus is premature. The petition revolves around defendant's contention that this court has failed to review his request for a motion to change venue. However, on or about November 28, 2005, the court issued an order granting the government until December 2, 2005, to respond to defendant's pending motions. Filing No. 95. Because the government has not yet responded to defendant's motion regarding venue, and because this court has consequently not had the opportunity to rule on these motions, defendant's current petition for a writ of mandamus is denied as premature.

THEREFORE, IT IS ORDERED that defendant's petition for writ of mandamus, Filing No. 96, is hereby denied as moot.

DATED this 1st day of December, 2005.

BY THE COURT:

s/ Joseph F. Bataillon

JOSEPH F. BATAILLON

UNITED STATES DISTRICT JUDGE